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1	IN THE UNITED STATES DISTRICT COURT	
2	FOR THE NORTHERN DISTRICT OF OHIO	
3	EASTERN DIVISION	
4		
5	MELISSA YATSKO and )	1 On Behalf of the Defendant Safeco Insurance Company (via
	DARIAN ALLEN, ) telephone):	
6	Co-Administrator of the )	2 FRANK S. CARSON, ESQ.
	Estate of Thomas Yatsko, )	3 Frost Brown Todd, LLC
7	)	4 10 West Broad Street, Suite 2300
8	Plaintiffs, )	5 Columbus, Ohio 43215
	)	6 614.464.1211
9	VS. )	7 Fcarson@fbtlaw.com
	)	8
10	1:18-CV-00814	9
	JUDGE POLSTER	10
11	SERGEANT DEAN GRAZIOLLI, )	11
	ET AL., )	12
12	)	13
	Defendants. )	14
13	)	15
14		16
15	- - -	17
16	VIDEOTAPED DEPOSITION OF JONATHAN SEEHOLZER	18
17	TUESDAY, APRIL 30, 2019	19
18		20
19	The videotaped deposition of JONATHAN SEEHOLZER, called	21
20	by the Plaintiffs for examination under the Ohio Rules	22
21	of Civil Procedure, taken before me, Stacey Mocz, Notary	23
22	Public in and for the State of Ohio, at Spangenberg,	24
23	Shibley & Liber, LLP, 1001 Lakeside Avenue East, Suite	25
24	1700, Cleveland, Ohio, commencing at 10:25 a.m., on the	
25	date above set forth.	
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1	APPEARANCES:	
2	On Behalf of the Plaintiffs:	
3	NICHOLAS A. DICEULLO, ESQ.	1 INDEX
	Spangenberg, Shibley & Liber, LLP	WITNESS Page
4	1001 Lakeside Avenue East	2 JONATHAN SEEHOLZER
	Suite 1700	3 EXAMINATION BY MR. DICEULLO 9
5	Cleveland, Ohio 44114	4 EXAMINATION BY MR. LENEGHAN 147
	216.696.3232	5 EXAMINATION BY MR. PIKE 149
6	NDiCello@spanglaw.com	6 FURTHER EXAMINATION BY MR. DICEULLO 165
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8	JEREMY A. TOR, ESQ.	9
	Spangenberg, Shibley & Liber, LLP	10
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	216.696.3232	14 MR. ROCHE: Objection 20
11	JTor@spanglaw.com	15 MR. ROCHE: Objection 22
		16 MR. ROCHE: Objection 55
12	On Behalf of the Defendant MRN/Corner Alley:	17 MR. PIKE: Objection 58
13	PATRICK M. ROCHE, ESQ.	18 MR. ROCHE: Objection 75
	Collins, Roche, Utley & Garner, LLC	19 MR. ROCHE: Objection 75
14	875 Westpoint Parkway	20 MR. ROCHE: Objection 80
	Suite 500	21 MR. ROCHE: Objection 83
15	Cleveland, Ohio 44145	22 MR. PIKE: Objection 84
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<p>1        JONATHAN SEEHOLZER  2 of lawful age, called for examination, as provided by  3 the Ohio Rules of Civil Procedure, being by me first  4 duly sworn, as hereinafter certified, deposed and said  5 as follows:</p> <p>6        -----</p> <p>7        EXAMINATION OF  8        JONATHAN SEEHOLZER</p> <p>9 BY MR. DICELLO:</p> <p>10 Q. Good morning.</p> <p>11 A. <b>Good morning.</b></p> <p>12 Q. Could you please state your name and spell your  13 last name for the court reporter and the record?</p> <p>14 A. <b>Jonathan Edward Seeholzer, S-e-e-h-o-l, Z as in  15 zebra, e-r.</b></p> <p>16 Q. Mr. Seeholzer, my name is Nick DiCello. We had a  17 chance to meet briefly off the record this  18 morning. That's the first time we've met,  19 correct?</p> <p>20 A. <b>Correct.</b></p> <p>21 Q. And you understand you're here to have your  22 deposition taken today?</p> <p>23 A. <b>Yes.</b></p> <p>24 Q. And there's a lawsuit pending in the Northern  25 District of Ohio surrounding the shooting death</p>	<p>1 A. <b>Yep.</b></p> <p>2 Q. We have a video camera recording you, but it's  3 also important to make sure that your answers are  4 verbal with a yes, no, or an explanation.</p> <p>5        If you give an occasional uh-huh or nuh-uh,  6 one of us at the table will politely correct you.</p> <p>7        It's not to be rude. It's just to get accurate  8 testimony down on the record, okay?</p> <p>9 A. <b>Okay.</b></p> <p>10 Q. Also, please try to wait until I'm done asking my  11 question before you answer, and I'll wait for you  12 to finish. Even though you know what I'm going  13 to ask -- you may jump in to answer the  14 question -- it's much easier on our court  15 reporter if we don't speak over one another,  16 okay?</p> <p>17 A. <b>Okay.</b></p> <p>18 Q. If I ask you a question that you don't understand  19 for any reason at all, I want you to let me know  20 that, okay?</p> <p>21 A. <b>Okay.</b></p> <p>22 Q. Given that understanding we have, if you answer a  23 question that I've asked you, I'm going to assume  24 that you understood it, and I'm going to move on  25 to the next one. Is that fair?</p>
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<p>1        of Thomas Yatsko.</p> <p>2        You understand that today's deposition is  3 taken in connection with that case?</p> <p>4 A. <b>Yes.</b></p> <p>5 Q. And MRN hired Dean Graziolli to provide security  6 at the Corner Alley that night, correct?</p> <p>7        MR. ROCHE: Objection. Go ahead. You can  8        answer.</p> <p>9 A. <b>Corner Alley.</b></p> <p>10 Q. I'm sorry?</p> <p>11 A. <b>Corner Alley Uptown hired him.</b></p> <p>12 Q. Okay. You understand, though, we're here about  13 an incident that occurred January 13th of last  14 year?</p> <p>15 A. <b>Yes.</b></p> <p>16 Q. Okay. Good. Have you ever been deposed before?</p> <p>17 A. <b>No.</b></p> <p>18 Q. All right. I'm sure you've been prepared on what  19 to expect to some extent. Let me go over some  20 quick ground rules so we can make this as  21 efficient as possible.</p> <p>22 A. <b>Mm-hm.</b></p> <p>23 Q. This will go question and answer. I'll ask the  24 questions, and you provide the answers.</p> <p>25 Understood?</p>	<p>1 A. <b>Fair.</b></p> <p>2 Q. If at any point in time today your memory gets  3 jogged about something or you realize you left  4 something out of an answer or you want to go back  5 and change or supplement an answer you've given,  6 I want you to take the opportunity today on the  7 record to make any changes you want, okay?</p> <p>8 A. <b>Okay.</b></p> <p>9 Q. You understand you're under oath today?</p> <p>10 A. <b>I do.</b></p> <p>11 Q. And do you understand the oath you took to tell  12 the truth today, it's the same kind of oath that  13 one takes when he or she takes the stand and  14 testifies in front of a jury in a courtroom?</p> <p>15 A. <b>I do.</b></p> <p>16 Q. I don't know how long we'll be today. I hope not  17 to keep you too long. This is the one chance I  18 have to speak with you before the trial in this  19 case. So if at any point in time you want to  20 take a break for any reason or no reason at all,  21 we can do that.</p> <p>22        I would ask that if a question's pending to  23 you, please answer the question first and then  24 say, Nick, let's just take a break. And we'll do  25 that, all right?</p>

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<p style="text-align: center;">Page 29</p> <p>1 Q. Okay. So later, let me ask, you found out that 2 Pickwick &amp; Frolic was employing Cleveland Police 3 Officers?</p> <p>4 A. <b>Correct.</b></p> <p>5 Q. And did those police officers -- you said you 6 relied on those officers --</p> <p>7 A. <b>Correct.</b></p> <p>8 Q. --to provide security at Greenhouse?</p> <p>9 A. <b>If we had issues, they were always very willing</b> 10 <b>to help if we needed it.</b></p> <p>11       There was also officers, I believe, were 12 supplied by the City of Cleveland through the 13 Downtown Cleveland Alliance. They were also 14 Cleveland Police Officers, from what I 15 understand. Sometimes I believe they were RTA 16 Officers, as well.</p> <p>17 Q. At your time at Greenhouse Tavern, did you ever 18 hire any Cleveland Police Officers to work there?</p> <p>19 A. <b>I believe so, once or twice, but I can't be sure.</b> 20 I remember talking to the officers about it, and 21 I think I did.</p> <p>22 Q. Okay. And how did you pay those officers?</p> <p>23 A. <b>I don't recall.</b></p> <p>24 Q. How many times do you think it was that you 25 personally hired a police officer?</p>	<p style="text-align: center;">Page 31</p> <p>1 Q. What is 629 Euclid, Ltd. or LLC?</p> <p>2 A. <b>I couldn't say. I know it says that on my</b> 3 <b>paycheck.</b></p> <p>4 Q. Do you know who owns that business?</p> <p>5 A. <b>I could make assumptions. I believe that it is</b> 6 <b>some members of the Maron family, but I couldn't</b> 7 <b>say for certain.</b></p> <p>8 Q. What does that business do?</p> <p>9 A. <b>We -- that specific business, I -- I don't know.</b> 10 I know what I do in that business. I don't know 11 if there's other branches within that. I'm not 12 privy to how -- they have multiple businesses.</p> <p>13 Q. Okay. Do you know how many employees 629 Euclid 14 has?</p> <p>15 A. <b>I do not know, no.</b></p> <p>16 Q. Are you aware of anyone else other than yourself 17 who's employed by 629 Euclid?</p> <p>18 A. <b>Yes.</b></p> <p>19 Q. Okay. Who else?</p> <p>20 A. <b>Currently I know Christine Connell, Frances Bess,</b> 21 <b>Courtney, who is new, I don't know her last name.</b> 22 <b>Amy White. I think they're all 629. Geoff Goss,</b> 23 <b>Jeff Tichy. This is -- I have a little less</b> 24 <b>knowledge of this, so I couldn't be a hundred</b> 25 <b>percent sure, but I'm pretty sure.</b></p>
<p style="text-align: center;">Page 30</p> <p>1 A. <b>If we did, it was maybe twice that I can</b> 2 <b>remember.</b></p> <p>3 Q. Okay.</p> <p>4 A. <b>And I can't be sure. I remember looking into it.</b> 5 I think I did -- you know what? I think we did 6 do it once or twice, yes.</p> <p>7 Q. So you were an owner/partner, and its sounds like 8 you wore many hats --</p> <p>9 A. <b>Yes.</b></p> <p>10 Q. -- at The Greenhouse Tavern up until 2013?</p> <p>11 A. <b>I believe -- I believe it was June of '13.</b></p> <p>12 Q. And then where did you go after Greenhouse 13 Tavern?</p> <p>14 A. <b>I went and worked for my current employer.</b></p> <p>15 Q. And your current employer is MRN, Ltd.?</p> <p>16 A. <b>No. My -- well, I guess technically my paychecks</b> 17 <b>are 629 Euclid, Ltd. or LLC. I'm not sure. I</b> 18 <b>can't remember.</b></p> <p>19 Q. 629 Euclid either Ltd. or LLC?</p> <p>20 A. <b>I believe.</b></p> <p>21 Q. How long -- so has your employer been 629 Euclid 22 since you were hired in 2013?</p> <p>23 A. <b>Yes.</b></p> <p>24 Q. And that's currently your employer?</p> <p>25 A. <b>Correct.</b></p>	<p style="text-align: center;">Page 32</p> <p>1       Our accounting team, Geoff Goss, Adam, I 2 don't know his last name, Prawn, I don't know 3 her last name, and Apple. I'm not quite sure of 4 her last name.</p> <p>5 Q. Are all the folks that you just listed, did they 6 work at the offices where you work?</p> <p>7 A. <b>We all work on the second floor.</b></p> <p>8 Q. Christine Connell, she's the director of sales, 9 marketing, and events?</p> <p>10 A. <b>Correct.</b></p> <p>11 Q. For 629 Euclid?</p> <p>12 A. <b>No.</b></p> <p>13 Q. Okay. So Christine Connell is the director of 14 sales, marketing, and events for who?</p> <p>15 A. <b>Hospitality restaurants. Any -- not any. The</b> 16 <b>Corner Alley Uptown, well, used to be, Downtown,</b> 17 <b>Zocalo, Tudor Arms, Erie Island Coffee.</b></p> <p>18 Q. What about Flannery's?</p> <p>19 A. <b>No, not anymore. She was at one point.</b></p> <p>20 Q. But when Flannery's was -- I mean, are these MRN 21 restaurants or no?</p> <p>22 A. <b>As far as -- I couldn't say who owns them. I</b> 23 <b>have never seen the lease.</b></p> <p>24 Q. Okay. And I think Franny Bess, we've heard her 25 name before. Is she a human resources specialist</p>

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<p>1 A. Getting to that point? Yeah. I mean, they were 2 primary. I was secondary, but I had knowledge in 3 -- a little bit more knowledge in kitchen layout, 4 and stuff like that, and kind of the logistics of 5 things.</p> <p>6 Q. Okay. With respect to anything you did -- when 7 you were still in you regional operations manager 8 position, with respect to anything you did in 9 connection with Corner Alley Uptown before the 10 doors were open --</p> <p>11 A. Yeah.</p> <p>12 Q. -- who did you report to? Was it Christine or 13 Todd?</p> <p>14 A. While I was operations manager I always reported 15 to Christine and/or Todd, and mainly Christine, I 16 think.</p> <p>17 Q. And did you do that more often than not at the 18 629 Euclid offices?</p> <p>19 A. No. At that time, we did -- we've only had 20 offices recently. Well, it's been a couple years 21 now. But no, at that time, we did not have 22 offices.</p> <p>23 Q. Okay. So when you were regional operations 24 manager, when you were first hired into that 25 role, did you have an office?</p>	<p>1 A. I do not believe that I had that e-mail. We 2 didn't start that until later. We had -- I don't 3 remember at what point, but I do remember that I 4 just used my Gmail when we first started all the 5 time.</p> <p>6 Q. Do you remember when it is that you were issued 7 an MRN address?</p> <p>8 A. I do not.</p> <p>9 Q. And what is the e-mail address?</p> <p>10 A. JSeeholzer@MRNLtd.com.</p> <p>11 Q. Have you ever been issued any other e-mails in 12 connection with your work with the Marons?</p> <p>13 A. I don't believe so. There's a possibility that I 14 had a Corner Alley e-mail at one point, but I 15 can't recall.</p> <p>16 Q. What's your understanding of what MRN, Ltd. is?</p> <p>17 A. I guess a name. We're not very formal with 18 anything, so I kind of see it as a -- as, you 19 know, a name.</p> <p>20 I have the understanding that, you know, 21 Zocalo is one business and Corner Alley Uptown 22 and Corner Alley Downtown were two separate -- 23 three separate. So a brand, maybe.</p> <p>24 Q. Okay. Does MRN, Ltd. own and manage the Corner 25 Alley?</p>
<p style="text-align: center;">Page 46</p> <p>1 A. I did not.</p> <p>2 Q. And did you have a place where you worked from 3 regularly?</p> <p>4 A. Different restaurants and bars.</p> <p>5 Q. Which ones?</p> <p>6 A. Corner Alley and Zocalo.</p> <p>7 Q. Downtown?</p> <p>8 A. Downtown Corner Alley and Zocalo.</p> <p>9 Q. So did you have an office in each of those 10 locations that you could use and have a computer 11 terminal?</p> <p>12 A. I could use the GM office. We would share.</p> <p>13 Q. Did you otherwise carry around a laptop?</p> <p>14 A. I did.</p> <p>15 Q. And who issued you the laptop?</p> <p>16 A. I believe Christine gave it to me.</p> <p>17 Q. Your Gmail.com account, is that one you had 18 before you --</p> <p>19 A. Yes.</p> <p>20 Q. -- took the position that Mr. Jori Maron offered 21 you?</p> <p>22 A. Yep.</p> <p>23 Q. And then the e-mail that you obtained when you 24 accepted the position that Mr. Maron offered you 25 is your MRN e-mail?</p>	<p style="text-align: center;">Page 48</p> <p>1 A. I do not know.</p> <p>2 Q. Who would you ask that question of?</p> <p>3 A. Jori Maron, if I had to ask.</p> <p>4 Q. Do you know if Mr. Maron has represented publicly 5 that MRN, Ltd. owned and operated the Corner 6 Alley Uptown location?</p> <p>7 A. I do not know. We -- I do not know.</p> <p>8 Q. Okay. You've had occasion to be interviewed by 9 the press throughout your career, correct?</p> <p>10 A. Here and there, yeah.</p> <p>11 Q. And were you ever instructed as to how to 12 describe MRN or MRN, Ltd. when being interviewed 13 about any given venue?</p> <p>14 A. No, not that I can recall.</p> <p>15 Q. Okay. In any public statements, have you ever 16 indicated that 629 Euclid, LLC or Ltd. managed 17 any of the venues?</p> <p>18 A. Not that I can recall.</p> <p>19 Q. Can you ever recall referencing MRN in connection 20 with the management of the venues?</p> <p>21 A. Yes. That's what we -- I use as far as something 22 to call it, yes.</p> <p>23 Q. Okay. And is your use of MRN as the entity that 24 manages these venues consistent with your 25 coworkers? In other words, is that how they</p>

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<p>1 relate to -- or is that how they describe it, as 2 well?</p> <p>3 <b>A. I think so.</b></p> <p>4 Q. All right. I want to move forward. This is very 5 helpful. I appreciate your patience here. 6 At some point in time, your title changed 7 from regional operations manager to what?</p> <p>8 <b>A. I believe it's director of restaurant operations.</b></p> <p>9 Q. And when did that change occur, approximately, as 10 best as you can remember?</p> <p>11 <b>A. I know it was December. I want to say it was</b> 12 <b>'15, but I cannot be sure.</b></p> <p>13 Q. Was that a promotion?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Did your employer change?</p> <p>16 <b>A. Not -- no, I don't believe so.</b></p> <p>17 Q. Who offered you that new position?</p> <p>18 <b>A. Jori Maron.</b></p> <p>19 Q. Did it come with an increase in pay?</p> <p>20 <b>A. It did.</b></p> <p>21 Q. Did it come with an increase in responsibilities?</p> <p>22 <b>A. I guess. I did not have any new reports. I was</b> 23 <b>brought up to the same level of the -- to the</b> 24 <b>people I was working -- that I was reporting to</b> 25 <b>prior to that.</b></p>	<p>1 description that you described for me as regional 2 operations manager, would that job description 3 also apply to your position as director of 4 restaurant operations?</p> <p>5 <b>A. Probably, but maybe -- yeah, I would think so.</b> 6 <b>Maybe altered.</b></p> <p>7 Q. How was it altered?</p> <p>8 <b>A. I honestly don't think that we ever actually</b> 9 <b>finalized my job description. I'm not positive,</b> 10 <b>but I believe I did have a job description for</b> 11 <b>regional operations manager, and I saw a draft of</b> 12 <b>one for director of restaurant operations. I</b> 13 <b>can't remember if it was finalized or not.</b></p> <p>14 Q. So let me back up. I thought I had asked you 15 this but maybe I missed it or -- you have seen 16 something in writing that describes the position 17 of regional operations manager?</p> <p>18 <b>A. I believe so.</b></p> <p>19 Q. All right. If you wanted to try to put your 20 hands on that document, how would you go about 21 it?</p> <p>22 <b>A. Type in a -- type in a job description to my</b> 23 <b>computer and see what I can find.</b></p> <p>24 Q. Okay. And then you believe you may have seen a 25 draft of a job description for director of</p>
<p style="text-align: center;">Page 50</p> <p>1 Q. Okay. Do you recall generally the conversation 2 with Mr. Maron when he offered you this new 3 title?</p> <p>4 <b>A. I remember -- I remember it happening, yes.</b></p> <p>5 Q. Can you tell me what it is you remember about 6 Mr. Maron offering you this new title?</p> <p>7 <b>A. My pay increase.</b></p> <p>8 Q. I'm sure you remember that part. There's usually 9 a flip side to that, John.</p> <p>10 Do you remember him telling you how your job 11 responsibilities would change in any meaningful 12 way or did they not?</p> <p>13 <b>A. I did not, no. The only thing I remember -- you</b> 14 <b>know, the change would be, you know, working with</b> 15 <b>my former bosses as opposed to working for my</b> 16 <b>former bosses.</b></p> <p>17 Q. And would that include Christine Connell and 18 Mr. DiCillo?</p> <p>19 <b>A. Correct.</b></p> <p>20 Q. Did this new title coincide with any other folks 21 leaving the company?</p> <p>22 <b>A. I don't think so.</b></p> <p>23 Q. Mr. DiCillo left at some point?</p> <p>24 <b>A. Much later, yes.</b></p> <p>25 Q. Okay, much later. All right. So your job</p>	<p style="text-align: center;">Page 52</p> <p>1 restaurant operations?</p> <p>2 <b>A. I think me and Christine were working on that at</b> 3 <b>one point right when I got -- took the position,</b> 4 <b>but I don't think we ever completed it.</b></p> <p>5 Q. And if you wanted to find that draft, you would 6 look in your computer?</p> <p>7 <b>A. Same thing, Google my computer.</b></p> <p>8 Q. Okay. As director of restaurant operations, is 9 that a management position?</p> <p>10 <b>A. I would consider it one.</b></p> <p>11 Q. Okay. And who do you report to as director of 12 restaurant operations?</p> <p>13 <b>A. Jori Maron.</b></p> <p>14 Q. Are you the director of restaurant operations for 15 MRN?</p> <p>16 <b>A. I guess. Like I said, I use that as a name, as a</b> 17 <b>brand that I see.</b></p> <p>18 Q. Are you the director of restaurant operations for 19 MRN Hospitality Group?</p> <p>20 <b>A. Yes. We attempted to kind of brand that at one</b> 21 <b>point.</b></p> <p>22 Q. What is MRN Hospitality Group?</p> <p>23 <b>A. It's a brand. I guess we felt that it would be</b> 24 <b>good for us if we were somehow able to create an</b> 25 <b>image of a group that managed multiple -- a</b></p>

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<p style="text-align: center;">Page 53</p> <p>1 definition for ourselves as opposed to just 2 managing different places.</p> <p>3 Q. And did you seek permission from Jori Maron to 4 create the MRN Hospitality Group?</p> <p>5 A. <b>We did, yes.</b></p> <p>6 Q. And he authorized that?</p> <p>7 A. <b>The name. We never -- I never created a</b> 8 <b>business.</b></p> <p>9 Q. Okay. So as the director of restaurant 10 operations, are you directing the operations of 11 Corner Alley Downtown?</p> <p>12 A. <b>I'm assisting in it, yes. I have reports that</b> 13 <b>work for me. Our structure's changed over the</b> 14 <b>years.</b></p> <p>15 Q. Corner Alley Uptown, when it was in existence?</p> <p>16 A. <b>I can't remember exactly when. When we opened up</b> 17 <b>Corner Alley Uptown, I only focused on Downtown</b> 18 <b>locations after the opening. I did not focus on</b> 19 <b>Uptown.</b></p> <p>20 At some point, I did assist in the oversight 21 of Corner Alley Uptown. I don't remember the 22 actual time, though.</p> <p>23 Q. Okay. We'll get into that more specifically, but 24 let me focus on this title. As the director of 25 restaurant operations, you were the director of</p>	<p style="text-align: center;">Page 55</p> <p>1 one point, they did manage Corner Alley and 2 Zocalo and Flannery's.</p> <p>3 When I was brought on, they may have still 4 been managing Corner Alley, but I cannot say for 5 certain. I'm not sure of the timeline.</p> <p>6 Q. Did Trifecta ever manage, to your knowledge, 7 Corner Alley Uptown?</p> <p>8 A. <b>They did not.</b></p> <p>9 Q. And just to make sure I'm speaking the same 10 language as you are, when we talk about 11 management, we're talking about operations, 12 correct?</p> <p>13 A. <b>Yes.</b></p> <p>14 Q. And it is the management folks who are 15 responsible for providing security services at 16 any given location, correct?</p> <p>17 MR. ROCHE: Objection. Go ahead, if 18 you know.</p> <p>19 A. <b>For an example-wise, we -- the general manager of</b> 20 <b>a location had organized -- you know, would</b> 21 <b>organize or find security for the locations.</b></p> <p>22 I know that Trifecta, for instance, did not 23 -- I don't know. I'm 90 percent sure that 24 Trifecta did not organize that for, let's say, 25 Flannery's.</p>
<p style="text-align: center;">Page 54</p> <p>1 operations for what restaurants? Zocalo?</p> <p>2 A. <b>Yeah.</b></p> <p>3 Q. Corner Alley Downtown?</p> <p>4 A. <b>Correct.</b></p> <p>5 Q. Flannery's when it was around?</p> <p>6 A. At one point, yes. When we -- when I first took 7 the position, I don't believe that we operated 8 Flannery's.</p> <p>9 Q. Who did?</p> <p>10 A. <b>A management company called Trifecta.</b></p> <p>11 Q. Do you have any names associated with Trifecta, 12 individuals that you would know?</p> <p>13 A. <b>I would have to -- no. I do not know any of</b> 14 <b>them. I met one. His name was Adam. They were</b> 15 <b>before my time out of -- they were before my</b> 16 <b>time, to a certain extent.</b></p> <p>17 They are the company that opened up Zocalo, 18 Corner Alley, and Flannery's. Well, didn't open 19 Flannery's, but --</p> <p>20 Q. During your tenure, are you aware of Trifecta 21 offering or providing management services to any 22 other venues other than Flannery's?</p> <p>23 A. <b>Yes. During my tenure?</b></p> <p>24 Q. Yeah.</p> <p>25 A. <b>They -- I don't know the exact time frame. At</b></p>	<p style="text-align: center;">Page 56</p> <p>1 Q. Do you know who did?</p> <p>2 A. <b>I would assume that it was the general manager.</b></p> <p>3 Q. Do you remember who the general manager was for 4 Flannery's?</p> <p>5 A. <b>Sean O'Donnell.</b></p> <p>6 Q. So your understanding within the MRN Hospitality 7 Group or the restaurants underneath which you are 8 the director, that is the general manager's 9 responsibility to arrange for any necessary 10 security services?</p> <p>11 A. <b>It had been. I had assisted when we did a</b> 12 <b>remodel of the Downtown Corner Alley.</b></p> <p>13 Q. Tell me about that.</p> <p>14 A. <b>So whatever year it was -- maybe that was '15, so</b> 15 <b>the other one opened earlier -- we had closed</b> 16 <b>down Corner Alley Downtown for renovation for a</b> 17 <b>summer.</b></p> <p>18 When we closed down, we -- prior to closing 19 down, we did have security that was arranged that 20 predates me. When we reopened, we attempted to 21 not have security because of the cost, and 22 eventually, because of incidents, we did. And I 23 headed up that -- finding the security for 24 Downtown Corner Alley.</p> <p>25 Q. Okay. Let me try to unpack that a little bit.</p>

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<p style="text-align: right;">Page 57</p> <p>1 A. Yeah.</p> <p>2 Q. I'm not saying it's not a responsive answer, 3 John, but there was a lot in there for me. 4 So prior to the remodel at Corner Alley 5 Downtown --</p> <p>6 A. Mm-hm.</p> <p>7 Q. -- the general manager was responsible for 8 providing any security services at that location?</p> <p>9 A. My assumption. Like I said, it was already in 10 place when I started. The general manager -- 11 the security had been around longer than the 12 current general manager, so it could have been 13 Trifecta.</p> <p>14 Q. Okay. And who was providing security at Corner 15 Alley Downtown prior to the remodel?</p> <p>16 A. I know one of the officers was named Andy, but 17 besides that, I don't remember the last name or 18 other ones.</p> <p>19 Q. So they were Cleveland Police Officers?</p> <p>20 A. They were.</p> <p>21 Q. Were there ever any private non-Cleveland -- 22 non-officer, non-police officer security 23 personnel employed at Corner Alley Downtown 24 before the remodel?</p> <p>25 A. Employed by Corner Alley Downtown?</p>	<p style="text-align: right;">Page 59</p> <p>1 A. I can't say for certain. Timeline, I believe -- 2 I don't know if this is prior, so maybe you just 3 don't want to me to answer --</p> <p>4 Q. Go ahead.</p> <p>5 A. -- but I can't say for certain.</p> <p>6 At one point -- and I don't remember if this 7 is before or after -- I believe we did use 8 Tenable at one point.</p> <p>9 Q. So a security company?</p> <p>10 A. Yes.</p> <p>11 Q. Were you involved at all in the decision to use 12 Tenable?</p> <p>13 A. I think so. I can't remember.</p> <p>14 Q. Do you recall when that was?</p> <p>15 A. No, I don't. I want to say it was on a St. 16 Patrick's Day that we attempted it. It was 17 probably -- I would guess. I couldn't say for 18 certain, but it was the first St. Patrick's Day 19 after we reopened for the remodel.</p> <p>20 Q. So it was limited to the holiday?</p> <p>21 A. Correct.</p> <p>22 Q. Something else I think I heard in your previous 23 answer when you were talking about closing down 24 Corner Alley Downtown, the remodel --</p> <p>25 A. Can I say one more thing?</p>
<p style="text-align: right;">Page 58</p> <p>1 Q. Yeah.</p> <p>2 A. Not of -- not to my knowledge.</p> <p>3 Q. Okay. Prior to the remodel -- I think -- I think 4 if we can make it a point in time, it's after the 5 remodel that you start having any involvement in 6 assisting with getting security services, 7 correct?</p> <p>8 A. That is correct.</p> <p>9 Q. So let's focus on what you knew -- and I'm not 10 suggesting you should know everything --</p> <p>11 A. Mm-hm.</p> <p>12 Q. -- but before the remodel, was it your 13 understanding that security services were in 14 place at Zocalo and Flannery's and Corner Alley 15 Downtown?</p> <p>16 A. It was my understanding that security was in 17 place at Corner Alley Downtown and Flannery's.</p> <p>18 Q. And was that being provided by Cleveland Police 19 Officers?</p> <p>20 MR. PIKE: Objection to form. You 21 can answer.</p> <p>22 A. From what I understand.</p> <p>23 Q. Prior to the remodel, are you ever aware of any 24 private security personnel other than Cleveland 25 Police Officers being hired at any MRN venue?</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Yeah. Yeah. Go ahead.</p> <p>2 A. I would like to say that the reason that we did 3 not use -- the reason that we ended up, when we 4 got security was to use Cleveland Police Officers 5 would be the lack of satisfaction I was with the 6 services from Tenable.</p> <p>7 Q. Okay. All right. How so?</p> <p>8 A. They didn't do anything.</p> <p>9 Q. Okay. That's a good reason.</p> <p>10 A. They sat there with jackets on and got paid to do 11 nothing.</p> <p>12 Q. That's a good reason to be dissatisfied.</p> <p>13 So in your answer telling me about the 14 remodel, I think I heard you say there was a 15 period of time after the remodel where Corner 16 Alley Downtown tried to get by without Cleveland 17 Police Officer security?</p> <p>18 A. Correct.</p> <p>19 Q. Who made that decision?</p> <p>20 A. At the time it was a general manager. I believe 21 he was a general manager then. Michael Grasso. 22 He felt we could manage the situation with 23 our current managers and deescalating situations, 24 which, for the most part, worked.</p> <p>25 Q. Okay. And I think you also said there was a cost</p>

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<p>1 basis for that decision, as well?</p> <p>2 <b>A. Yeah. There was a cost basis.</b></p> <p>3 Q. Okay. So proceeding without security at</p> <p>4 Cleveland – or Corner Alley Downtown --</p> <p>5 understanding that Mike thought that the</p> <p>6 management could handle, and for the most part</p> <p>7 could -- was, in part, a cost-saving measure?</p> <p>8 <b>A. Not necessarily saving. We increased our head</b></p> <p>9 <b>count in management.</b></p> <p>10 Q. Okay.</p> <p>11 <b>A. When we reopened, went from, I think, three to</b></p> <p>12 <b>five, so that also increased our floor presence</b></p> <p>13 <b>on management, so we thought we would try it out.</b></p> <p>14 <b>It was kind of a wash, probably, but, I mean,</b></p> <p>15 <b>yeah.</b></p> <p>16 Q. So how long before the decision was then made to</p> <p>17 go back to hiring Cleveland Police Officers for</p> <p>18 security at Corner Alley Downtown?</p> <p>19 <b>A. I couldn't say. I would guess less than a year.</b></p> <p>20 Q. Okay. And that was the result of incidents?</p> <p>21 <b>A. Yeah. We didn't have too many, but a specific</b></p> <p>22 <b>incident.</b></p> <p>23 Q. Which one are you calling to mind?</p> <p>24 <b>A. I don't remember exactly. It was a man and his</b></p> <p>25 <b>girlfriend were fighting, and he, I believe, hit</b></p>	<p>Page 61</p> <p>1 you know if it had security personnel?</p> <p>2 <b>A. I believe initially we did not.</b></p> <p>3 Q. And how long was it that Corner Alley Uptown</p> <p>4 initially did not have any security personnel?</p> <p>5 <b>A. I couldn't say for certain. I would guess six</b></p> <p>6 <b>months, maybe. Maybe less, maybe more.</b></p> <p>7 Q. Did the decision to hire security personnel on</p> <p>8 certain nights at Corner Alley Uptown coincide</p> <p>9 with your decision to provide security at Corner</p> <p>10 Alley Downtown?</p> <p>11 <b>A. No. It was for --</b></p> <p>12 Q. Okay. So let me try to break that down.</p> <p>13 Who made the decision to go from no security</p> <p>14 personnel at Corner Alley Uptown to security</p> <p>15 personnel on certain nights?</p> <p>16 <b>A. I did, I believe. I think between me and the</b></p> <p>17 <b>general manager.</b></p> <p>18 Q. And the GM at the time would have been Mike</p> <p>19 Grasso?</p> <p>20 <b>A. It might have been -- I don't think it was him.</b></p> <p>21 <b>It would be Mike Graham, I believe.</b></p> <p>22 Q. Mike Graham. Do you know who Mike Graham worked</p> <p>23 for when he was GM for Corner Alley Uptown?</p> <p>24 <b>A. Corner Alley Uptown.</b></p> <p>25 Q. And was it your understanding that Corner Alley</p>	<p>Page 63</p>
<p>1 <b>her, and our managers tried to stop him, and it</b></p> <p>2 <b>turned into the man beating up and hitting our</b></p> <p>3 <b>employees.</b></p> <p>4 Q. Okay. All right. So who then made the decision</p> <p>5 at Corner Alley Downtown to go back to hiring</p> <p>6 security?</p> <p>7 <b>A. I did. I felt it was --</b></p> <p>8 Q. You made that decision?</p> <p>9 <b>A. -- the best for our employees.</b></p> <p>10 Q. Okay. And how did you go about doing that?</p> <p>11 <b>A. I had asked Nick at Pickwick &amp; Frolic -- because</b></p> <p>12 <b>I had seen the same officers do a great job from</b></p> <p>13 <b>the time that I was on the street starting in</b></p> <p>14 <b>2009, I believe -- who he used and how he went</b></p> <p>15 <b>about it.</b></p> <p>16 Q. Can you give me a time frame? I think we're</p> <p>17 talking about a year after the remodel, the</p> <p>18 reopening.</p> <p>19 <b>A. I'm guessing 2016.</b></p> <p>20 Q. Okay.</p> <p>21 <b>A. Spring-ish.</b></p> <p>22 Q. We could probably look that up because we know</p> <p>23 when it reopened.</p> <p>24 <b>A. Yeah. I don't remember.</b></p> <p>25 Q. All right. When Corner Alley Uptown opened, do</p>	<p>Page 62</p> <p>1 Uptown, LLC would be on Mike Graham's paycheck?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. And how about Mike Grasso? Was there a time</p> <p>4 where Mike Grasso was the general manager of</p> <p>5 Corner Alley Uptown?</p> <p>6 <b>A. He -- yes, I believe so. Yes.</b></p> <p>7 Q. And I've seen some things online about</p> <p>8 Mr. Grasso. I know he's no longer with your</p> <p>9 folks, but he was the brand manager for Corner</p> <p>10 Alley?</p> <p>11 <b>A. For a period of time, yes.</b></p> <p>12 Q. So did he have responsibility for both Comer</p> <p>13 Alley Uptown and Downtown?</p> <p>14 <b>A. He did.</b></p> <p>15 Q. And during that time frame, who did he work for?</p> <p>16 <b>A. He got paid through Corner Alley Downtown, but we</b></p> <p>17 <b>-- he -- Corner Alley Uptown was billed for</b></p> <p>18 <b>50 percent of his salary.</b></p> <p>19 Q. Okay. All right. Let's go back --</p> <p>20 <b>A. I believe it was 50 percent. It was on the P&amp;L.</b></p> <p>21 <b>That's the reason I know this.</b></p> <p>22 Q. Let's go back to this decision that you made to</p> <p>23 introduce, if that's the right term, security</p> <p>24 services after approximately six months in</p> <p>25 business -- I'm not going to hold you to that</p>	<p>Page 64</p>
<p>1 <b>her, and our managers tried to stop him, and it</b></p> <p>2 <b>turned into the man beating up and hitting our</b></p> <p>3 <b>employees.</b></p> <p>4 Q. Okay. All right. So who then made the decision</p> <p>5 at Corner Alley Downtown to go back to hiring</p> <p>6 security?</p> <p>7 <b>A. I did. I felt it was --</b></p> <p>8 Q. You made that decision?</p> <p>9 <b>A. -- the best for our employees.</b></p> <p>10 Q. Okay. And how did you go about doing that?</p> <p>11 <b>A. I had asked Nick at Pickwick &amp; Frolic -- because</b></p> <p>12 <b>I had seen the same officers do a great job from</b></p> <p>13 <b>the time that I was on the street starting in</b></p> <p>14 <b>2009, I believe -- who he used and how he went</b></p> <p>15 <b>about it.</b></p> <p>16 Q. Can you give me a time frame? I think we're</p> <p>17 talking about a year after the remodel, the</p> <p>18 reopening.</p> <p>19 <b>A. I'm guessing 2016.</b></p> <p>20 Q. Okay.</p> <p>21 <b>A. Spring-ish.</b></p> <p>22 Q. We could probably look that up because we know</p> <p>23 when it reopened.</p> <p>24 <b>A. Yeah. I don't remember.</b></p> <p>25 Q. All right. When Corner Alley Uptown opened, do</p>	<p>Page 62</p> <p>1 Uptown, LLC would be on Mike Graham's paycheck?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. And how about Mike Grasso? Was there a time</p> <p>4 where Mike Grasso was the general manager of</p> <p>5 Corner Alley Uptown?</p> <p>6 <b>A. He -- yes, I believe so. Yes.</b></p> <p>7 Q. And I've seen some things online about</p> <p>8 Mr. Grasso. I know he's no longer with your</p> <p>9 folks, but he was the brand manager for Corner</p> <p>10 Alley?</p> <p>11 <b>A. For a period of time, yes.</b></p> <p>12 Q. So did he have responsibility for both Comer</p> <p>13 Alley Uptown and Downtown?</p> <p>14 <b>A. He did.</b></p> <p>15 Q. And during that time frame, who did he work for?</p> <p>16 <b>A. He got paid through Corner Alley Downtown, but we</b></p> <p>17 <b>-- he -- Corner Alley Uptown was billed for</b></p> <p>18 <b>50 percent of his salary.</b></p> <p>19 Q. Okay. All right. Let's go back --</p> <p>20 <b>A. I believe it was 50 percent. It was on the P&amp;L.</b></p> <p>21 <b>That's the reason I know this.</b></p> <p>22 Q. Let's go back to this decision that you made to</p> <p>23 introduce, if that's the right term, security</p> <p>24 services after approximately six months in</p> <p>25 business -- I'm not going to hold you to that</p>	<p>Page 64</p>

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<p>1 time frame -- at Corner Alley Uptown.  2 Why did you make that decision?  3 <b>A. The initial -- there was two different timelines,</b>  4 <b>so I'll say the initial decision was for underage</b>  5 <b>consumption.</b>  6 We had a college ID night, which I had  7 purchased ID scanners, which I then later found  8 out that the students are smarter than the  9 scanners, so at that point, I decided that I  10 wanted security there hoping that an officer  11 would deter underage attempts of fake IDs.  12 Q. Okay. Any other reason?  13 A. At -- for that time, no. That's why we brought  14 them in. At that point I don't think we had any  15 major incidents up there.  16 Q. Okay. And how many nights a week was college ID  17 night?  18 A. College ID night was Thursdays. I can't remember  19 if we started on just Thursdays or we started on  20 Thursdays and Saturdays. I don't recall.  21 Q. So originally were there ever security personnel  22 at Corner Alley Uptown other than college ID  23 night?  24 A. I can't remember for certain. I can't remember  25 if we just started with Thursday or if we started</p>	<p>1 Q. Okay. So whether you specifically remember it or  2 not, you had to get permission from Jori Maron to  3 hire security personnel at Corner Alley Uptown,  4 correct?  5 <b>A. Yes. I would discuss decisions with him.</b>  6 Q. And you had to get permission from him to  7 increase the hours of those security personnel at  8 Corner Alley Uptown, correct?  9 <b>A. Correct.</b>  10 Q. Okay. Let me back up a little bit.  11 This decision -- to finish this off, this  12 decision to increase the hours of security, do  13 you remember when that was?  14 <b>A. I don't. Not -- no, I couldn't.</b>  15 Q. Okay. That's all right.  16 <b>A. I know the incident happened on a Sunday. That's</b>  17 <b>the only thing -- during the day.</b>  18 Q. And what was that incident? Do you remember?  19 <b>A. That was a large group of people -- I believe</b>  20 <b>they were family -- got into some kind of fight</b>  21 <b>amongst themselves, and it turned into a big</b>  22 <b>ordeal.</b>  23 Q. Okay.  24 <b>A. And I was worried about the safety of our</b>  25 <b>employees or just the general feeling that the</b></p>
<p style="text-align: center;">Page 66</p> <p>1 Thursday/Saturday. Eventually or from the  2 beginning, we went to Saturday.  3 Q. Okay. Did there come a point in time where  4 security personnel was retained at Corner Alley  5 Uptown other than for college ID night?  6 A. Yes. We -- I remember there was a incident on a  7 Sunday afternoon with a large group of people  8 that -- starting a -- fighting amongst them.  9 At that point I decided to increase the  10 amount of hours. I don't remember specifically,  11 I think, if I increased the hours or days, but I  12 did increase the time that we used security  13 because of that incident.  14 Q. Okay. You made that decision?  15 A. I did.  16 Q. And did you make it in conjunction with anyone  17 else?  18 A. Yeah. I discussed it with -- I believe it was  19 Mike Grasso and Jori, as well.  20 Q. Okay. For that kind of decision to increase the  21 hours of security, is that something you would  22 need to get permission from Jori Maron about  23 before you could implement it?  24 A. For -- for spending more money, yes. It's  25 something that I would do.</p>	<p style="text-align: center;">Page 68</p> <p>1 employees felt backed up, and that's why I  2 increased the security.  3 Q. Were the police called during that incident?  4 A. I don't recall. They may have been. At the  5 time, I believed we would contact UCI was our  6 first go-to just because they were right there.  7 Q. All right. Prior to being hired on with -- prior  8 to being hired by Jori Maron, had you ever had  9 any experience managing a bowling alley?  10 A. A bowling alley, no.  11 Q. Any experience managing an arcade?  12 A. No.  13 Q. Your experience at that point -- and this isn't  14 to be pejorative. I hope you don't take it that  15 way.  16 But your experience at the point you were  17 hired by Jori Maron was limited to management of  18 Greenhouse Tavern, and from a management  19 perspective, Greenhouse Tavern and Noodle Cat,  20 correct?  21 A. Correct. And my previous jobs, but correct.  22 Q. Now, when you made decisions about security  23 personnel at Corner Alley Downtown and Corner  24 Alley Uptown, about which you've told me about,  25 did you consult with any security professionals?</p>

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<p>1 A. I believe -- so I know that I talked to House of 2 Blues, inquired on how they did things. 3 Q. Who at House of Blues did you talk to? 4 A. Scott Kapp. 5 Q. And what was Mr. Kapp's position there? Do you 6 know? 7 A. I believe he's general manager. It might be 8 higher. I mean, he's the main boss within that 9 building. 10 Q. Okay. Let's just take this step by step. 11 When you talked to Mr. Kapp, did -- do you 12 know what kind of security was provided at House 13 of Blues? 14 A. That's why I talked to him, to ask him those 15 questions. 16 Q. Okay. And what did Mr. Kapp tell you? 17 A. They use a combination of Tenable and their own 18 in-house security. 19 Q. Do you know whether or not -- 20 A. They also had officers, I believe, on certain -- 21 maybe concert nights. I cannot -- I can't 22 recall. 23 Q. Was this an in-person meeting with Mr. Kapp or 24 over the phone? 25 A. I don't recall. I would see him here and there</p>	<p>1 A. Jori Maron. Sorry. 2 Q. That's fine. All right. You said that -- when I 3 asked you originally, did you consult with any 4 security professionals, you said, well, I talked 5 to Mr. -- or Scott Kapp over at House of Blues. 6 My question is: Scott Kapp is a colleague 7 of yours, fair to say? 8 A. Correct. 9 Q. Do you know if Scott Kapp is a professional in 10 security services? 11 A. I do not know. 12 Q. Okay. So other than Mr. Kapp -- and you told me 13 Mr. Kapp gave you the name of some security 14 training company, and you talked with them. 15 A. Mm-hm. 16 Q. Did you talk with anybody else other than Mr. 17 Kapp? 18 A. Where are we at? Before we got security? 19 Q. Yeah. The question was: Did you consult with 20 any security professionals in connection with 21 your decisions about security at Corner Alley 22 Downtown and Corner Alley Uptown? And you went 23 on to say, well, I talked with Mr. Kapp. I just 24 wanted to make sure -- 25 A. Nobody else.</p>
<p style="text-align: center;">Page 70</p> <p>1 on the street. 2 Q. Do you know if it was more than one conversation? 3 A. I would guess that it is, but I couldn't say for 4 certain. 5 Q. Okay. Do you have any memory of how long these 6 conversations lasted? 7 A. No, I do not. 8 Q. Any paperwork exchanged in connection with these 9 discussions? 10 A. I don't think so. 11 The only -- me and him -- and I don't 12 remember at what point this was. I did get the 13 name of the company that did their in-house 14 training for their security. 15 Q. And what was the name of that company? 16 A. I don't remember, no. 17 Q. Did you ever reach out to them? 18 A. I did. I went back and forth with them a few 19 times, and I was thinking about -- one of the 20 options was to have security within. We 21 ultimately decided not to because we thought it 22 was be less effective and more of a liability. 23 Q. Okay. So let me -- I want to come back to that, 24 but before we do, when you say we, we decided it 25 would be less effective --</p>	<p style="text-align: center;">Page 72</p> <p>1 Q. Okay. All right. Now let's focus back on this 2 decision you told me you had that you and Jori 3 Maron made -- I presume this is after or during 4 your phone calls with this security training 5 company? 6 A. I would assume so, as well. I can't say for 7 certain. 8 Q. And the options -- among the options were hire 9 your own people to provide security or farm that 10 out to some service, fair? 11 A. Fair. 12 Q. And the decision between you and Jori was made 13 that you weren't going to hire and train your own 14 employees to provide security at Corner Alley 15 Uptown, correct? 16 A. Correct. 17 Q. And the basis for that decision was what? 18 A. Well, first we decided that at Corner Alley 19 Downtown was when that decision happened. It was 20 not Corner Alley Uptown. 21 Q. Okay. 22 A. We were not -- with my experience at Tenable, we 23 were not going to be able to provide the level of 24 security that we wanted. I didn't want 25 employees, you know -- I was unsure about putting</p>

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<p style="text-align: center;">Page 73</p> <p>1 employees in that position even if they were 2 trained. I felt that Cleveland Police Officers 3 were going to be much better trained because they 4 were trained by the police academy, I would 5 assume.</p> <p>6 Q. Okay. When you said level of security you wanted 7 to provide, what level of security did you and 8 Jori Maron want to provide?</p> <p>9 A. I felt that having a -- having an employee in a 10 t-shirt at the front door was not quite the level 11 that I felt would be most effective.</p> <p>12 I felt that a uniformed officer would be 13 more effective just off the rip. I feel that it 14 would have deterred issues just because of the 15 visual.</p> <p>16 Q. Okay. Again, not trying to be pejorative. This 17 is just what your -- based on your experience, 18 that was what your thought process was?</p> <p>19 A. Correct.</p> <p>20 Q. Did you consult with any consulting companies 21 about whether your gut feeling was correct or 22 incorrect in that regard?</p> <p>23 A. No.</p> <p>24 Q. All right. Do you consider yourself a security 25 professional?</p>	<p style="text-align: center;">Page 75</p> <p>1 MR. ROCHE: Objection. Go ahead.</p> <p>2 A. I'm sorry. Can you repeat the question?</p> <p>3 Q. Yeah. You've done a nice job explaining the 4 basis for your decision. My question for you is: 5 Part of the decision to not train and hire your 6 own in-house security staff at Corner Alley 7 Downtown was cost-related, correct?</p> <p>8 MR. ROCHE: Objection. Go ahead.</p> <p>9 A. I guess.</p> <p>10 Q. Okay. Any other reasons that informed the basis 11 of you and Mr. Jori Maron's decision not to hire 12 and train in-house security at Corner Alley 13 Downtown that we haven't talked about?</p> <p>14 A. I felt that since the option of hiring the 15 Cleveland Police Officers were already on the 16 street in multiple locations and I felt the 17 cohesiveness of that would be helpful in general 18 opposed to having a number of different, you 19 know, groups that were responsible for it.</p> <p>20 Q. Okay. This might short circuit things; it might 21 not. But this decision process that you've just 22 described about security at Corner Alley 23 Downtown, was the same analysis then employed by 24 you in retaining security at Corner Alley Uptown, 25 or was it a different analysis?</p>
<p style="text-align: center;">Page 74</p> <p>1 A. No.</p> <p>2 Q. And do you consider Mr. Jori Maron a security 3 professional in any way?</p> <p>4 A. No.</p> <p>5 Q. So I think part of the decision not to go with 6 in-house security folks at Corner Alley Downtown 7 was you didn't think it would provide the level 8 of security you wanted. You thought a uniformed 9 police officer other than a guy in a t-shirt, as 10 you say, would be more effective, and then I 11 thought your original answer said there might 12 have been a liability component to the decision?</p> <p>13 A. With my understanding, Workers' Compensation is 14 based on certain different -- you pay more for 15 somebody that's working with machines than you 16 would with somebody that's typing on a computer, 17 and that having somebody as a security guard 18 would probably increase our costs.</p> <p>19 Q. Did you do anything to confirm that or was this 20 just based on your understanding of how things 21 work?</p> <p>22 A. That was just based on my understanding.</p> <p>23 Q. All right. So part of the decision to not 24 employ employee and train your own security service at 25 Corner Alley Downtown was cost, correct?</p>	<p style="text-align: center;">Page 76</p> <p>1 A. I would say it was -- it was the same, and with 2 my experience with the security that had been 3 handled Downtown, I felt that I could trust it 4 would be handled correctly Uptown, as well.</p> <p>5 Q. Okay. All right. Once Corner Alley Uptown is up 6 and running and you are making some of the 7 security decisions that you've told me that you 8 made -- I know they're made in conjunction with 9 other folks. You told us about that.</p> <p>10 I want to get an understanding, as of 11 January of last year in your position as director 12 of restaurant operations, who was reporting to 13 you? Can we go through that? Was the -- was the 14 general manager of Zocalo reporting to you?</p> <p>15 A. Yes.</p> <p>16 Q. Was the general manager of Corner Alley Downtown 17 reporting to you?</p> <p>18 A. Yes. But I would like -- it was -- yes, but they 19 also reported to -- depending on what subject.</p> <p>20 Q. How about operations?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Was the general manager of Corner Alley 23 Uptown reporting to you from an operational 24 standpoint?</p> <p>25 A. In January, yes.</p>

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<p>1 Q. Were they based on food sales?</p> <p>2 A. I'd like to go back on the liquor.</p> <p>3 Q. And I should say beer, wine, liquor, right?</p> <p>4 A. How about we just say sales?</p> <p>5 Q. Okay. All right. So -- okay.</p> <p>6 A. And that could be a factor.</p> <p>7 Q. Was it a factor?</p> <p>8 A. I don't think so. I was going to say prior to -- prior to increasing the hours of security, maybe. Post, no.</p> <p>11 Q. Okay. Were the decisions surrounding the security at either location dependent at all on square footage?</p> <p>14 A. No.</p> <p>15 Q. Hours of operation?</p> <p>16 A. Yes.</p> <p>17 Q. How so?</p> <p>18 A. How late they would be there, how late the security officers would be there --</p> <p>20 Q. Okay.</p> <p>21 A. -- at the location.</p> <p>22 Q. How about location itself? Meaning the neighborhoods where either of these restaurants, bars, arcade, bowling alleys were located? Did that bear at all on you and Jori Maron's</p>	<p>1 night all the time. I believe there are -- it's in conjunction with other people on the street, so sometimes there could be two officers there. Whether they're assigned there or not, I couldn't tell you for certain. They could be assigned to Pickwick &amp; Frolic and walking and they're just kind of walking and checking on things.</p> <p>8 Q. How about Corner Alley Uptown? How many officers were hired to provide security personnel on any given night?</p> <p>11 MR. ROCHE: Objection.</p> <p>12 A. I couldn't say for certain. I didn't handle the scheduling.</p> <p>14 Q. Who did?</p> <p>15 A. Jerry.</p> <p>16 Q. Jerry who?</p> <p>17 A. Zig -- I can't pronounce his last name.</p> <p>18 Zigliara? Jerry Z., I call him.</p> <p>19 Q. And where does Jerry Z. work?</p> <p>20 A. Cleveland Police Department.</p> <p>21 Q. Zarlenga?</p> <p>22 A. Zarlenga. Yeah.</p> <p>23 Q. Okay. All right. Is he a Cleveland Police Officer, do you know?</p> <p>25 A. Yes.</p>
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<p>1 decisions relative to security requirements?</p> <p>2 A. If you wanted to relate it to volume and sales, then yes.</p> <p>4 Q. How so?</p> <p>5 A. More people, higher foot traffic, more possibility for incidents, I would want to increase security. Less people, which Uptown was much, we didn't need it as much.</p> <p>9 Q. And it was you and Mr. Maron that made those decisions?</p> <p>11 A. Once we had security, I would make the decisions as far as if we needed to add somebody on for St. Patrick's Day, either location, or if we had to extend the hours, I would make that decision and then inform.</p> <p>16 Q. The decision to provide security personnel at Corner Alley Downtown, was there ever more than one police officer employed?</p> <p>19 A. We didn't employ them.</p> <p>20 Q. Was there ever more than one police officer hired?</p> <p>22 A. I believe so, yes.</p> <p>23 Q. And I want to exclude St. Patrick's Day or, you know, maybe Cavs games.</p> <p>25 A. Yeah. And I'll be honest. I'm not there at</p>	<p>1 Q. So the Cleveland Police Department, through Officer Zarlenga, established the security schedule at Corner Alley Uptown?</p> <p>4 A. Officer --</p> <p>5 MR. PIKE: Objection to form.</p> <p>6 Foundation.</p> <p>7 Q. Go ahead.</p> <p>8 A. Officer Zarlenga took care of security as far as scheduling, from what I understood.</p> <p>10 Q. And who gave him authority to do that?</p> <p>11 A. I did.</p> <p>12 MR. DICELLO: Okay. Do you need a break, or are you good?</p> <p>14 THE WITNESS: No. I'm good.</p> <p>15 Q. Okay. So I want to go back now -- sorry to keep going back, but I think this is the most efficient way to do it.</p> <p>18 But there came a point in time around after Downtown was reopened and there was this incident involving this girlfriend, and you, in conjunction with others, made a decision to provide security at Corner Alley Downtown.</p> <p>23 You told me you talked with your colleague at House of Blues, and I think you said you also talked with somebody at Pickwick &amp; Frolic?</p>

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<p>1 A. <b>Correct.</b></p> <p>2 Q. And that's Nick?</p> <p>3 A. <b>Correct.</b></p> <p>4 Q. And what's Nick's last name?</p> <p>5 A. <b>Kostis.</b></p> <p>6 Q. So was this an in-person meeting or over the phone? Do you know?</p> <p>8 A. <b>I don't recall. Same thing. I would run into him here and there.</b></p> <p>10 Q. And my memory is that you asked Nick Kostis about the Cleveland Police Officers that were hired for security at Pickwick?</p> <p>13 A. <b>Correct.</b></p> <p>14 Q. Because you had some interaction with those folks being right across the street when you were at Greenhouse Tavern?</p> <p>17 A. <b>Correct.</b></p> <p>18 Q. Did you discuss with Mr. Kostis in a similar way as you did with Mr. Kapp about what kind of security Pickwick &amp; Frolic offers?</p> <p>21 A. <b>Yes.</b></p> <p>22 Q. And tell me what you remember Mr. Kostis telling you.</p> <p>24 A. <b>From what I remember, from the day he opened, or close to it, had employed -- or not employed but</b></p>	<p>1 talked to him, discussed with Jori again, I believe. This is a long time ago. And then we ultimately decided to go with them.</p> <p>4 Q. And that is all for Downtown?</p> <p>5 A. <b>I believe at the time, yes. I think we started Downtown before Uptown was open, I think.</b></p> <p>7 Q. Okay. So let me break that down a little bit. You called Jerry Z. Did you call him at the Cleveland Police Department, or did you call him on his cell phone? Do you know?</p> <p>11 A. <b>His cell phone.</b></p> <p>12 Q. And then did you have a meeting with him?</p> <p>13 A. <b>I believe, but I can't recall.</b></p> <p>14 Q. What do you recall during your first conversations with Jerry Z. about security services either on the phone or in person? How did he describe it to you?</p> <p>18 A. <b>He told me what he did for Pickwick &amp; Frolic, that he had guys on street that he would schedule for me, that they -- you know, kind of what they did.</b></p> <p>22 They usually stayed, you know, at night to make sure that everything was locked up and the managers felt safe and, you know, there's nobody else in the building. Just kind of in general</p>
<p>1 used the officers. Jerry was his contact, and they had other officers that worked there.</p> <p>3 Q. Do you know if Mr. Kostis had his own security personnel that were employed directly by Pickwick?</p> <p>6 A. <b>I am 90 percent sure no, but I cannot say that for certain.</b></p> <p>8 Q. Okay. Pickwick &amp; Frolic, just by virtue of the type of business and venue it is, is a different venue than Corner Alley.</p> <p>11 A. <b>Correct.</b></p> <p>12 Q. Did you ever retain any security professionals to advise you as to the security requirements that any Corner Alley location had?</p> <p>15 A. <b>No.</b></p> <p>16 Q. Do you know what security requirements in the industry a facility like Corner Alley Uptown requires?</p> <p>19 A. <b>Do I know? No.</b></p> <p>20 Q. So walk me through how it is you got introduced to Jerry Z.</p> <p>22 A. <b>I asked Nick what he did for security and how it worked. He explained it to me and said -- gave me Jerry's contact information. I discussed the options with Jori, and then I contacted Jerry,</b></p>	<p>1 what their role would be.</p> <p>2 Q. Did Jerry Zarlenga ever represent to you that he was a security expert?</p> <p>4 A. <b>Not that I believe.</b></p> <p>5 Q. And did Jerry -- did you ever interview Jerry about any experience he had providing private security at a bar, restaurant, or arcade or bowling alley?</p> <p>9 A. <b>We spoke about Pickwick &amp; Frolic, their bar and other restaurants that he scheduled.</b></p> <p>11 Q. Do you know how long Jerry Z. had been providing private security services?</p> <p>13 A. <b>From my understanding -- from Nick Kostis, I believe he started doing it as soon as Pickwick &amp; Frolic opened, so as far as that year, it was prior to 2005, but I don't know. I couldn't say for sure.</b></p> <p>18 Q. Okay. What was your understanding of how many guys Jerry was having work at Pickwick &amp; Frolic?</p> <p>20 A. <b>I don't remember. I want to say maybe -- from -- I couldn't say for certain because I didn't know if they were all just at Pickwick &amp; Frolic.</b></p> <p>23 There were other locations on the street that used these officers, so they could have been in other places, as well.</p>

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<p>1 Q. Sometimes he is, sometimes he isn't?</p> <p>2 A. <b>Correct.</b></p> <p>3 Q. Okay. Was the rate of pay for Jerry and his guys discussed initially?</p> <p>4 A. <b>Yes. Off the top of my head, though, I cannot recall what it is.</b></p> <p>5 Q. Were they paid hourly?</p> <p>6 A. <b>Yes.</b></p> <p>7 Q. And was it your understanding that Jerry could provide these services himself?</p> <p>8 A. <b>It's my understanding that Jerry would schedule, that he would provide the services, but he could not do everything all the time, so he would schedule other officers for these services.</b></p> <p>9 Q. So for the Downtown location, who made the decision about how many officers were necessary and on what nights?</p> <p>10 A. <b>I initially made the suggestions for the standard -- for what we think, you know, is standard, our normal run of the mill. Jori Maron and myself talked about it.</b></p> <p>11 A. <b>As far as extenuating circumstances, RNC, you know, parade day, all that kind of stuff, I made those decisions to increase.</b></p> <p>12 Q. So let's -- excluding RNC, St. Patty's Day, kind</p>	<p>1 MR. PIKE: Objection to form.</p> <p>2 A. <b>You can say that, yes.</b></p> <p>3 Q. Did you ever interview anyone other than Jerry Z.?</p> <p>4 A. <b>No.</b></p> <p>5 Q. Did you ever interview any of his guys that would be working security at Corner Alley Downtown?</p> <p>6 A. <b>I spoke with, over the years, a couple -- Bo, who I knew a long time, and then I forgot the other guy's name that I had seen a lot.</b></p> <p>7 Q. Were there any requirements given to the Jerry Z. about the qualifications of his guys to be able to work at Corner Alley Downtown?</p> <p>8 A. <b>No. I trusted him to take care of it.</b></p> <p>9 Q. So in addition to providing the manpower and sometimes giving his opinion as to what the security requirements were, you relied on Jerry Zarlenga to select the officers that would be performing the job?</p> <p>10 A. <b>Correct.</b></p> <p>11 Q. And it was you and Jori Maron that gave Jerry Zarlenga the authority to do that?</p> <p>12 A. <b>Correct.</b></p> <p>13 Q. Was there any job description given to Jerry Z. for the position?</p>
<p>14 Q. of just every day open for business, what decision did you make about how many officers were required and on what nights at Downtown?</p> <p>15 A. <b>I can't say for certain because I do have it all -- or their schedule listed out. I believe it's -- or not their schedule, but how many people we initially talked about. I know that it's 36 hours a week in total.</b></p> <p>16 Q. Does that ever include more than one officer working on the same night?</p> <p>17 A. <b>Yes, it does.</b></p> <p>18 Q. And are those on the weekends?</p> <p>19 A. <b>Yes. Fridays and Saturdays, I believe.</b></p> <p>20 Q. And those are decisions that you and Jori made?</p> <p>21 A. <b>Yeah. I think so.</b></p> <p>22 Q. Okay. Did Jerry Z. provide any consultation in that regard as to what the requirements were in his opinion?</p> <p>23 A. <b>Yes. At certain times, we increased based on his opinion.</b></p> <p>24 Q. So in addition to providing the actual manpower, Jerry Zarlenga of the Cleveland Police Department provided consultation to you and Jori Maron about what the security requirements were at Corner Alley Downtown, true?</p>	<p>1 A. <b>Discussions of -- no formal job description, no.</b></p> <p>2 Q. Did you ever discuss with Jerry Z. what the requirements or expectations were of his guys when working security at Corner Alley?</p> <p>3 A. <b>Yes.</b></p> <p>4 Q. And what were those discussions in terms of requirements and job description?</p> <p>5 A. <b>That they assist the management when need be, just keeping an eye on possible situations prior to anything happening.</b></p> <p>6 Q. Anything else?</p> <p>7 A. <b>Keeping an eye out for underage people.</b></p> <p>8 Q. Anything else?</p> <p>9 A. <b>Not that I can recall.</b></p> <p>10 Q. Okay. Did Jerry's guys report to anybody at the location?</p> <p>11 A. <b>Report -- define report to.</b></p> <p>12 Q. Well, as I understand it, there's people at Corner Alley who have direct reports, correct?</p> <p>13 A. <b>Right.</b></p> <p>14 Q. And then there's management at Corner Alley who have direct reports, as you've described for us.</p> <p>15 A. <b>Right.</b></p> <p>16 Q. And then you have a direct report all the way up to Jori Maron.</p>

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<p>1 Q. Did Jori Maron ever interview Jerry Z.?</p> <p>2 A. <b>Not that I'm aware of.</b></p> <p>3 Q. Did you -- did you interview Jerry?</p> <p>4 A. <b>Define interview.</b></p> <p>5 Q. Do you have occasion to hire vendors or 6 independent contractors in connection with your 7 director of operations position?</p> <p>8 A. <b>Yes.</b></p> <p>9 Q. And do you interview those folks before you hire 10 them?</p> <p>11 A. <b>I guess you could say that. I would not 12 interview them like I would an employee that I'm 13 hiring like a general manager, operations 14 manager. More of a sense of who they are and 15 what they do.</b></p> <p>16 Q. Okay. So did you conduct that kind of interview 17 of Jerry Zarlenga?</p> <p>18 A. <b>I feel that I did.</b></p> <p>19 Q. And were you assuming that because Jerry Z. was a 20 police officer that Jerry Z. knew how to provide 21 security services at a bar, restaurant, bowling 22 alley?</p> <p>23 A. <b>Yes.</b></p> <p>24 Q. And what was the basis of that assumption?</p> <p>25 A. <b>Because they were trained by the -- or I would</b></p>	<p>1 Certificate to him?</p> <p>2 A. <b>Yes.</b></p> <p>3 Q. And was it your understanding that that Workers' 4 Compensation coverage would then cover Jerry and 5 his guys?</p> <p>6 MR. ROCHE: Objection. Go ahead, if 7 you know.</p> <p>8 A. <b>My understanding at the time was it was something 9 that the Cleveland Police Department required.</b></p> <p>10 Q. Okay. Do you know, just for example, when Jerry 11 said, I need a Certificate of Workers' Comp., 12 what did you think the reason was he needed it?</p> <p>13 A. <b>We had discussed, you know, if they fall, you 14 know, whatever, that, you know, they would trust 15 that we would, you know, help them, you know -- 16 not help them, but, you know, that we would have 17 them as a claim.</b></p> <p>18 Q. Okay. So it was your understanding that for 19 Jerry and his Cleveland Police Officer guys, when 20 they were going to provide security services at 21 Corner Alley Downtown, it was Corner Alley 22 Downtown's Workers's Compensation coverage that 23 would cover these guys for any injuries they 24 sustained while working there?</p> <p>25 MR. ROCHE: Objection. Go ahead.</p>
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<p>1 assume they were trained by the City of 2 Cleveland. They were the people that we called 3 when we had incidents that had to handle them.</p> <p>4 Q. Okay. So did Jerry Z. explain to you any 5 Cleveland Police Department requirements that you 6 had to follow?</p> <p>7 A. <b>They needed to get -- I believe they needed to 8 get approval from -- I don't know who, if it's 9 their boss, or whatnot, in the Cleveland Police 10 Department, and we had provided a copy of our 11 Workers' Compensation Policy or Certificate.</b></p> <p>12 Q. Okay. So is it your understanding that when 13 Jerry Z. would work security, or any of his 14 guys -- first of all, did you understand that 15 Jerry's guys were also Cleveland Police Officers?</p> <p>16 A. <b>Yes. That was my understanding.</b></p> <p>17 Q. Okay. Was that a requirement for you, that 18 Jerry's guys that he would schedule would be 19 police officers?</p> <p>20 A. <b>I was told that. I assumed that they always 21 would be.</b></p> <p>22 Q. Okay. And that's what you wanted?</p> <p>23 A. <b>Yes.</b></p> <p>24 Q. All right. So Jerry explained to you that you 25 had to provide a Workers' Compensation</p>	<p>1 A. <b>That was my understanding, I believe.</b></p> <p>2 Q. Is that how you explained it to Mr. Maron?</p> <p>3 A. <b>Yeah, I think so.</b></p> <p>4 Q. Was there ever any -- and is the same true of 5 Corner Alley Uptown when you retained Jerry Z. 6 and his guys for security there in terms of the 7 Workers' Compensation?</p> <p>8 MR. ROCHE: Objection. Go ahead.</p> <p>9 A. <b>I believe -- from what I understand, I believe 10 the Downtown one that I provided, Jerry listed 11 himself on the Uptown one that I provided. I 12 believe that Jerry had told me that he had listed 13 Dean on.</b></p> <p>14 Q. Okay. All right. So when you were discussing 15 this arrangement with Jerry, do you ever recall 16 doing so in person?</p> <p>17 A. <b>I don't know. I couldn't tell you if it was on 18 the phone or in person.</b></p> <p>19 Q. Did you -- are there times in connection with 20 this arrangement that you've had to meet 21 face-to-face with Jerry Z.?</p> <p>22 A. <b>Yes.</b></p> <p>23 Q. And the times that you've met with Jerry Z., is 24 he wearing a Cleveland Police Officer uniform?</p> <p>25 A. <b>Sometimes.</b></p>

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<p style="text-align: center;">Page 97</p> <p>1 A. <b>If that, then no.</b>  2 Q. Okay. So Jerry's guys, the Cleveland Police  3 Officers that worked at Corner Alley Downtown,  4 did not report to anybody?  5 A. <b>Jerry, from what I understood.</b>  6 Q. They reported to Jerry?  7 A. <b>Not in the Corner Alley.</b>  8 Q. Okay. Were the Cleveland Police Officers ever  9 involved in any management meetings?  10 A. <b>No.</b>  11 Q. Was there ever any background checks done of any  12 of these police officers?  13 A. <b>Not to my knowledge by me.</b>  14 Q. Okay. When does -- let me just ask you. In  15 connection with the hiring that you do, are  16 background checks done on folks who are going to  17 be working at MRN venues?  18 A. <b>Yes.</b>  19 Q. Does MRN check felony records?  20 A. <b>I do not know. I do not do background checks.</b>  21 Q. Why were no background checks done on any of the  22 folks providing security at the Corner Alley?  23 A. <b>Because they were Cleveland Police Officers.</b>  24 Q. So what about being a Cleveland Police Officer  25 exempted them from a background check, just in</p>	<p style="text-align: center;">Page 99</p> <p>1 A. <b>Correct.</b>  2 Q. And where did you meet Jerry Z. to pay him?  3 A. <b>Usually down on East 4th Street.</b>  4 Q. In your offices?  5 A. <b>No. My office is on Euclid.</b>  6 Q. So you would meet him at East 4th Street?  7 A. <b>Usually. It's been in my office. Mostly on 4th  8 Street, could be in a restaurant.</b>  9 Q. Okay. So how often did you meet Jerry Z. to pay  10 him?  11 A. <b>Once a week.</b>  12 Q. And when you would meet him, would you meet maybe  13 in a coffee shop or a restaurant, or somewhere?  14 A. <b>Right, depending on where I was.</b>  15 Q. All right. And how much cash were you giving  16 Jerry on average?  17 A. <b>I don't -- I'm trying to visualize it in my head.</b>  18 I don't know for certain, but I want to say it's  19 like \$1,320. It's 36 hours, is our standard, and  20 I forget the rate. It's like 25 or 35.  21 Q. And we're talking just Corner Alley Downtown now?  22 A. <b>Yes.</b>  23 Q. Okay. Did there come a time where you were  24 meeting with Jerry Z. and paying him for security  25 services at Corner Alley Downtown and as well as</p>
<p style="text-align: center;">Page 98</p> <p>1 your own mind?  2 A. <b>In my own mind, we weren't going to get anything  3 better. If the City of Cleveland is employing  4 them actively, I don't see why I could find any  5 better.</b>  6 Q. And that was just your own personal feeling?  7 A. <b>Correct.</b>  8 Q. Okay. There are security companies in the  9 hospitality industry, true?  10 A. <b>I haven't seen too many, no. I mean, Tenable is  11 the only one that I know of.  12 We did find one -- and I forgot the name of  13 them now -- at some point when we had the RNC.  14 We had another one in there, a different company.</b>  15 Q. Okay. We've talked a lot about how you met with  16 Jerry Zarlenga to provide security services for  17 Corner Alley Downtown. We've talked about your  18 discussions with him, the scheduling.  19 I do want to -- we tried to talk a little  20 bit about rate of pay, and you don't remember  21 exactly, but let's talk now about payment.  22 A. <b>Okay.</b>  23 Q. Did you pay Jerry Z. directly?  24 A. <b>I did.</b>  25 Q. You paid him in cash?</p>	<p style="text-align: center;">Page 100</p> <p>1 other locations?  2 A. <b>I -- yes. Uptown Corner Alley.</b>  3 Q. Did Jerry Z. provide security services to --  4 through you anywhere other than Corner Alley  5 Uptown and Downtown?  6 A. <b>Through me?</b>  7 Q. Yeah.  8 A. <b>No.</b>  9 Q. Do you know if Jerry Z. supplied security  10 services to any other MRN venues?  11 A. <b>I do not know. I would assume not.</b>  12 Q. Do you know if the Cleveland Police Department  13 and its officers ever supplied private security  14 services to any MRN venues other than Uptown and  15 Downtown?  16 MR. PIKE: Objection to form.  17 A. <b>I believe Tudor Arms Hotel they -- for weddings,  18 they do, and possibly traffic officers for  19 weddings, as well.</b>  20 Q. Okay. Is that done through Jerry Z. to your  21 knowledge, or somebody else, or you don't know?  22 A. <b>I know who used to be there, but it's not through  23 Jerry, no.</b>  24 Q. Do you know who it is?  25 A. <b>It was Bo. I don't know his last name. He</b></p>

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1 <b>passed away.</b>	1 <b>did.</b>
2    Q. Okay. So you told me \$1,320 would go to	2    Q. And what did Jerry Z. tell you specifically,
3    Jerry Z. --	3    Mr. Seeholzer, as to why those arrangements were
4    A. <b>I think.</b>	4    not acceptable for him?
5    Q. -- approximately, for Corner Alley Downtown.	5    A. <b>That's just how he did things, and he might have</b>
6    Were there times you met with Jerry Z. where	6 <b>a problem getting guys if it was not cash.</b>
7    you would pay him approximately \$1,320 for the	7    Q. Okay. And then you relied on Jerry Z. to pay
8    Downtown services and then you'd pay him some	8    cash out to the other -- to the guys who actually
9    amount of cash for the Uptown services?	9    worked security at your facilities?
10 A. <b>Yes. When there was -- yes.</b>	10 A. <b>Correct.</b>
11 Q. And what was the amount you were paying him for	11 Q. Did -- was there any reporting done by anyone on
12 Uptown services on average?	12 the payor side?
13 A. <b>I don't remember, to be honest with you. Jerry</b>	13 A. <b>I believe so, but I can't be certain.</b>
14 <b>would tell me how many hours combined, and I</b>	14 Q. And what do you believe happened in terms of
15 <b>would pay him for that.</b>	15 reporting of these payments?
16 Q. Did Jerry ever submit any paperwork to you to	16 A. <b>I know -- I'm assuming that it's tracked.</b>
17 receive this payment?	17 Q. By who?
18 A. <b>No.</b>	18 A. <b>One of our accountants.</b>
19 Q. There's no invoice?	19 Q. Who would that be?
20 A. <b>No.</b>	20 A. <b>Jeff Tichy is the one that I received the payment</b>
21 Q. Is that typical or atypical?	21 <b>from.</b>
22 A. <b>Atypical.</b>	22 Q. Okay. So let me walk through this. Was there a
23 Q. So Jerry would just call you on the phone and	23 day specifically that you met with Jerry Z. or
24 say, my guys worked, for example, 38 hours?	24 could it vary?
25 A. <b>Correct.</b>	25 A. <b>On Mondays.</b>
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1 Q. And you would get cash and meet him on East 4th?	1 Q. What time on Mondays would you meet with Jerry?
2 A. <b>Correct.</b>	2 A. <b>It varied.</b>
3 Q. Weekly?	3 Q. All right. So on Mondays, you would meet with
4 A. <b>Correct.</b>	4 Jerry with this cash. How did you get the cash?
5 Q. Why did you pay Jerry Z. in cash?	5 A. <b>From Jeff Tichy.</b>
6 A. <b>That is what -- we attempted to do it other ways,</b>	6 Q. And so I presume at some point, Jerry would have
7 <b>but that is what Jerry and his officers did, and</b>	7 to call you and tell you how much cash he needed?
8 <b>he didn't feel that he could provide us -- they</b>	8 A. <b>He would text me how many hours each weekend, and</b>
9 <b>wouldn't take any other type of payment.</b>	9 <b>I would then send that to Jeff Tichy, Apple -- I</b>
10    We had to make a decision that was basically	10 <b>can't pronounce her last name -- and Jori Maron.</b>
11    based on the welfare of our employees because we	11 Q. Okay. And when Jerry Z. sent you these texts,
12    figured the positives outweighed the negatives in	12 did he break it down as between Uptown and
13    that situation.	13 Downtown or no?
14 Q. Are there negatives in paying cash to Jerry Z.?	14 A. <b>I believe he did. It's been a while.</b>
15 A. <b>That's not how we -- it's out of our standard</b>	15 Q. Do you have any of those texts?
16 <b>protocol.</b>	16 A. <b>I would have to look. I'm not sure.</b>
17 Q. Okay. So you said there was some efforts to try	17 Q. Okay. We're going to take a break at some point.
18 to arrange payment other than meeting Jerry in a	18 I would ask you just to look, see if you got any.
19 restaurant with cash. What other efforts were	19 So then you would -- how did you communicate
20 made?	20 this information to the accountant?
21 A. <b>Me and him discussed, you know, as far as check,</b>	21 A. <b>I would e-mail them the information that Jerry</b>
22 <b>invoicing, you know, another company that, you</b>	22 <b>had texted me.</b>
23 <b>know, that he may be starting as far as security,</b>	23 Q. Do you know if that e-mail broke it down between
24 <b>but ultimately were not be able -- were not able</b>	24 Uptown and Downtown?
25 <b>to come to any other agreement besides what we</b>	25 A. <b>Whatever it said, whatever -- usually it was a</b>

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<p>1       <b>the space.</b></p> <p>2 Q. All right. Do you remember anything that Jerry 3 Z. said in response to your request?</p> <p>4 A. <b>No.</b></p> <p>5 Q. Did Jerry Z. -- let me ask this: The time that 6 you did walk Jerry Zarlenga through the facility 7 at Corner Alley Uptown, was he in police uniform?</p> <p>8 A. <b>I don't recall. It's something that I would 9 assume that I would have done, but I cannot 10 remember doing it.</b></p> <p>11 Q. All right. Did Jerry Zarlenga, on behalf of the 12 Cleveland Police Department, agree to provide 13 security services at Corner Alley Uptown?</p> <p>14        MR. PIKE: Objection to form.</p> <p>15 A. <b>He agreed to provide security Uptown, yes.</b></p> <p>16 Q. Okay. And did you understand that Jerry Zarlenga 17 was doing this as a Cleveland Police Officer?</p> <p>18        MR. PIKE: Objection to form.</p> <p>19        Foundation.</p> <p>20 A. <b>Yes.</b></p> <p>21 Q. And did you understand that the guys that Jerry 22 was going to schedule to work at Corner Alley 23 Uptown were also Cleveland Police Officers?</p> <p>24 A. <b>Yes.</b></p> <p>25 Q. And was your expectation the same at Uptown as it</p>	<p>1       Was it you and Jori that made the decision of how 2 many officers were required and when?</p> <p>3 A. <b>I believe so.</b></p> <p>4 Q. Did Officer Zarlenga provide his opinions and 5 recommendations in that regard at Uptown as he 6 did at Downtown?</p> <p>7 A. <b>I don't recall.</b></p> <p>8 Q. Who was responsible for scheduling the Cleveland 9 Police Officers at Corner Alley Uptown?</p> <p>10 A. <b>From what I was told by Jerry, Dean Graziolli 11 took care of making sure that somebody was there. 12 Jerry got Dean.</b></p> <p>13 Q. Okay. Was there a general understanding that the 14 Cleveland Police Officers that worked security at 15 Corner Alley Uptown would be comped food and 16 beverage while they worked?</p> <p>17 A. <b>Probably. I think that goes for any officer.</b></p> <p>18 Q. If you had hired private security in-house, would 19 those folks have ate and drank for free or no?</p> <p>20 A. <b>They probably would have eaten for free, yes.</b></p> <p>21 Q. Okay. Do the employees at Corner Alley Uptown 22 eat for free?</p> <p>23 A. <b>They're not supposed to, but they probably do.</b></p> <p>24 Q. Why is it that the police officers get to eat for 25 free but the employees don't?</p>
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<p>1       was as Downtown in terms of the security officers 2 being in their Cleveland Police uniforms?</p> <p>3 A. <b>Yes.</b></p> <p>4 Q. And carrying firearms?</p> <p>5 A. <b>Yes.</b></p> <p>6 Q. Was there any description specific to Corner 7 Alley Uptown as to what the requirements were for 8 Jerry and his guys to provide services at that 9 location?</p> <p>10 A. <b>Initially, I had asked that they card 11 individuals. He did not want to do that. He 12 wanted our guys to do that. Besides that was 13 being present.</b></p> <p>14 Q. Okay. Any other job description other than what 15 you just described for Jerry and his guys at 16 Uptown?</p> <p>17 A. <b>Not that I can remember.</b></p> <p>18 Q. Have you ever worked as a security guard?</p> <p>19 A. <b>No.</b></p> <p>20 Q. Have you ever worked for a security consultant or 21 firm?</p> <p>22 A. <b>No.</b></p> <p>23 Q. With respect to the schedule, we have asked some 24 people about that unique to Corner Alley Uptown, 25 but is the same true that applied to Downtown?</p>	<p>1       MR. PIKE: Objection to form.</p> <p>2 A. <b>The employees get a discount. Usually just for 3 -- out of courtesy and appreciation, they'll feed 4 them, I think.</b></p> <p>5 Q. The officers?</p> <p>6 A. <b>Correct.</b></p> <p>7 Q. Do you know what the rate of pay was for the 8 officers at Corner Alley Uptown?</p> <p>9 A. <b>It was the same, I believe, for Downtown, which I 10 can't recall the exact amount.</b></p> <p>11 Q. I apologize if this is repetitive, but it would 12 have been yourself and Jori who decided on the 13 rate of pay?</p> <p>14 A. <b>No. It was Jerry.</b></p> <p>15 Q. So Jerry dictated how much his officers would be 16 paid?</p> <p>17 A. <b>Correct.</b></p> <p>18 Q. Was there any negotiation?</p> <p>19 A. <b>No.</b></p> <p>20 Q. Is that typical or atypical?</p> <p>21 A. <b>It was less than what we were paying previously, 22 a couple years earlier, so I didn't feel that 23 there was a reason to negotiate.</b></p> <p>24 Q. If we wanted to find out how much was being paid 25 to Jerry Z. and his guys, how do we find that</p>

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1 out, per hour?	1 They respond -- they're the ones that respond
2 A. I would -- I could try to look back. I could ask 3 an accountant.	2 to complaints or issues within any of those 3 areas.
4 Q. I mean, we agree that --	4 Q. Did anybody at Corner Alley Uptown supervise Dean 5 Graziolli?
5 A. I would have to do math backwards. I can't 6 remember the exact amount.	6 A. Not that I'm aware of.
7 Q. Okay. I mean, we agree that somebody at MRN 8 should know how much these officers are being 9 paid?	7 Q. Did Dean Graziolli supervise anyone at Corner 8 Alley Uptown?
10 A. Yeah.	9 A. Not that I'm aware of.
11 Q. Okay. And so you think you would ask an 12 accountant for that?	10 Q. Was there a security team at Corner Alley Uptown?
13 A. I could tell you if I remember the exact amount.	11 A. There was more than one.
14 Like, I believe it's 1,320, and I believe it's 15 36 hours.	12 Q. How about on any given night? Was there a 13 security team?
16 Q. 13.20 an hour?	14 A. I can't recall.
17 A. No. \$1,320 total --	15 Q. Okay.
18 Q. Oh, okay.	16 A. I didn't have a lot to do with the scheduling, to 17 be honest.
19 A. -- 36 hours a week.	18 Q. Okay.
20 Q. Okay. So we could probably look at your texts 21 and do some math, too?	19 A. I trusted them to take care of it.
22 A. Correct.	20 Q. But to the extent any security personnel were 21 working on any given night at Corner Alley 22 Uptown, it was limited to Cleveland Police 23 Officers, true?
23 Q. Okay. All right. Have you ever met Dean 24 Graziolli?	24 A. As far as I know.
25 A. Not to my knowledge. Not that I remember. I	25 Q. So you had knowledge that Dean Graziolli would be
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1 don't think I ever have.	1 working security at Corner Alley Uptown, correct?
2 Q. But it was your understanding through Officer 3 Zarlenga that Dean would be responsible for 4 scheduling the police officers at Corner Alley 5 Uptown?	2 A. Yes.
6 A. Correct.	3 Q. And did you communicate that to Jori?
7 Q. Was it your understanding that Dean would choose 8 the officers who were going to work at Corner 9 Alley Uptown?	4 A. I don't know that I would have said the specific 5 person's name.
10 A. Yes.	6 Q. Did you -- have you ever looked up Dean Graziolli 7 on the internet even to today?
11 Q. And were there any background checks done on any 12 of those officers at Corner Alley Uptown?	8 A. After the incident when I saw articles come out, 9 after the incident in January.
13 A. I don't know.	10 Q. Why did you look up Dean Graziolli after the 11 incident on the internet?
14 Q. Did you ever do anything to look into Dean 15 Graziolli's background?	12 A. Because I read articles about him and previous 13 discipline from Cleveland Police.
16 A. No.	14 Q. And what do you recall reading?
17 Q. Do you know whether or not Dean Graziolli is 18 qualified to provide security services at a bar, 19 bowling alley, restaurant?	15 A. Something about a time clock issue.
20 A. I would assume, because he's a Cleveland Police 21 Officer, yes.	16 Q. And what do you recall learning about him when 17 you looked him up on the internet?
22 Q. Where does that assumption come from?	18 A. The time clock issue thing.
23 A. Because if they're good enough to take care of 24 the City, there's no reason they shouldn't be 25 good enough to take care of a bowling alley.	19 Q. Okay. Did you form any opinions about Dean 20 Graziolli in connection with your research online 21 about him?
	22 MR. LENEGHAN: Objection.
	23 A. No.
	24 Q. Do you have any opinions about his reputation for 25 truthfulness?

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<p>1 A. <b>No.</b></p> <p>2 Q. Was it your understanding that these Cleveland 3 Police Officers who would be providing security 4 services at Corner Alley Uptown were 5 moonlighting?</p> <p>6 MR. PIKE: Objection to form.</p> <p>7 A. <b>Yes.</b></p> <p>8 Q. And was it your understanding that they would be 9 working their regular day jobs as police officers 10 at the same time they're providing security at 11 Corner Alley Uptown?</p> <p>12 MR. PIKE: Objection to form.</p> <p>13 A. <b>Be more specific, I guess.</b></p> <p>14 Q. Yeah. I'm trying to get an understanding, do you 15 know, was there any requirement from you as to 16 how many hours any given officer could work 17 before showing up to work at Corner Alley Uptown?</p> <p>18 A. <b>No.</b></p> <p>19 Q. Was it your understanding that on any given day, 20 a Cleveland Police Officer providing security at 21 Corner Alley Uptown was working before coming 22 into work at Corner Alley Uptown?</p> <p>23 A. <b>I never honestly thought about it.</b></p> <p>24 Q. Was Dean Graziolli vetted in any way by anyone at 25 MRN?</p>	<p>1 Q. So at the time -- you've done -- you've said a 2 couple different times today that Cleveland 3 Police Officers, if they're good enough for the 4 City, then they're qualified. I'm just 5 paraphrasing.</p> <p>6 A. <b>Right.</b></p> <p>7 Q. Do you have any -- at the time that you and Jori 8 made this decision to employ Cleveland Police 9 Officers, did you have any understanding as to 10 what kind of training they received?</p> <p>11 A. <b>Besides the knowledge of -- no. No.</b></p> <p>12 Q. Did you believe at the time that these decisions 13 were made that the Cleveland Police Department 14 had a good reputation for protecting civil 15 rights?</p> <p>16 MR. PIKE: Objection.</p> <p>17 MR. LENEGHAN: Objection.</p> <p>18 A. <b>Yes.</b></p> <p>19 Q. Do you believe at the time that you and Jori made 20 these decisions about security that the Cleveland 21 Police Department had a good reputation for not 22 using excessive force against members of the 23 community?</p> <p>24 MR. PIKE: Objection to form.</p> <p>25 MR. ROCHE: Objection.</p>
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<p>1 A. <b>No.</b></p> <p>2 Q. Do you know whether Dean had any experience 3 providing security at bars before doing so at 4 Corner Alley Uptown?</p> <p>5 A. <b>I don't know for certain. I know that Jerry said 6 that he had done similar things, I believe.</b></p> <p>7 Q. Do you know whether Dean Graziolli had any 8 criminal history prior to working at the Corner 9 Alley Uptown location?</p> <p>10 A. <b>No.</b></p> <p>11 Q. Would criminal history be -- depending on what it 12 was, could there be criminal history that would, 13 in your mind, render any given Cleveland Police 14 Officer unfit to work at the Corner Alley Uptown?</p> <p>15 MR. ROCHE: Objection. Go ahead.</p> <p>16 A. <b>Yeah, I think so.</b></p> <p>17 Q. And what kind of criminal history would that be?</p> <p>18 MR. LENEGHAN: Objection. Calls for 19 speculation.</p> <p>20 A. <b>Violence, I guess.</b></p> <p>21 Q. What about a history of use of excessive force 22 against members of the community? Would that be 23 disqualifying to work at an MRN establishment?</p> <p>24 MR. ROCHE: Objection. Go ahead.</p> <p>25 A. <b>Maybe.</b></p>	<p>1 A. <b>Yes.</b></p> <p>2 Q. And what's the basis for that understanding?</p> <p>3 A. <b>I've never seen any issues.</b></p> <p>4 Q. Have you ever heard about any?</p> <p>5 A. <b>Yeah.</b></p> <p>6 Q. So at the time that you and Jori made these 7 decisions, you had heard of reports of excessive 8 force by the Cleveland Police Department?</p> <p>9 A. <b>Yes.</b></p> <p>10 Q. Did you just make an assumption that that 11 wouldn't occur in connection with the officers 12 that you were hiring?</p> <p>13 A. <b>Yes.</b></p> <p>14 Q. Why?</p> <p>15 A. <b>Why not?</b></p> <p>16 MR. ROCHE: Just answer, if you can, 17 rather than asking a question in 18 response.</p> <p>19 THE WITNESS: Okay.</p> <p>20 A. <b>No.</b></p> <p>21 Q. Did you ever see any written requirements that 22 are issued by the City of Cleveland that govern 23 -- the City of Cleveland calls it secondary 24 employment. Did you ever hear of that term?</p> <p>25 A. <b>Yes.</b></p>

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<p>1 A. <b>Yes, comma, no.</b></p> <p>2 Q. Did you have the final say as to what any of 3 these officers' job responsibilities would be 4 while providing security at your locations?</p> <p>5 A. <b>No.</b></p> <p>6 Q. Who did?</p> <p>7 A. <b>I would assume Jerry.</b></p> <p>8 Q. And that's something you -- that authority is 9 something you delegated to him, correct?</p> <p>10 A. <b>It was assumed, I believe.</b></p> <p>11 Q. Well, did you pay him for that?</p> <p>12 A. <b>I paid him to take care of my security needs.</b></p> <p>13 Q. Did you pay him a separate fee to take care of 14 your security needs outside of what you believe 15 was paid to the individual persons working?</p> <p>16 A. <b>I can't speak to that. I don't know. I know 17 that I paid him for the hours that he submitted 18 to me weekly.</b></p> <p>19 Q. I mean, you didn't pay him some type of 20 consultation fee?</p> <p>21 A. <b>Not that I'm aware of.</b></p> <p>22 Q. Despite any signage on the -- well, strike this. 23 You were asked about the -- whether or not 24 firearms were permitted in any of the -- well, 25 let's start with the Corner Alley Uptown. Do you</p>	<p>1 their weapons on them when they were in the 2 facility, correct?</p> <p>3 A. <b>Correct.</b></p> <p>4 Q. Had you chosen to, you could have told them not 5 to carry a firearm, correct?</p> <p>6 A. <b>I don't know. I never thought about it because, 7 I mean, they were Cleveland Police Officers.</b></p> <p>8 Q. Well, money talks, doesn't it? Do you know what 9 I mean by that?</p> <p>10 MR. ROCHE: Objection.</p> <p>11 A. <b>No.</b></p> <p>12 Q. If you want to work or get paid by MRN, you can 13 dictate the terms of that employment or that 14 service, correct?</p> <p>15 MR. ROCHE: Objection.</p> <p>16 A. <b>I would not necessarily agree in this situation.</b></p> <p>17 Q. It's your position that had you said they cannot 18 wear firearms in your establishments that you 19 would still have to pay them and allow them to 20 wear firearms in your establishment?</p> <p>21 MR. ROCHE: Objection.</p> <p>22 A. <b>I could choose not to hire them.</b></p> <p>23 Q. Correct. That's what I mean. You have the final 24 authority via the power of your purse and money 25 to determine what these people did or didn't do</p>
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<p>1 remember that testimony?</p> <p>2 A. <b>Yes.</b></p> <p>3 Q. And there's a sign that's -- that was represented 4 to you on the outside of the door saying no 5 firearms permitted, correct?</p> <p>6 A. <b>Okay. Yes.</b></p> <p>7 Q. Are you aware of that sign or no?</p> <p>8 A. <b>I don't know if it's still there. It was a long 9 time ago.</b></p> <p>10 Q. Are you aware of other signs at other MRN 11 properties that are similar to that?</p> <p>12 A. <b>Yes. Whether they're still up or not, but yes.</b></p> <p>13 Q. That's something that MRN can make a decision 14 about, correct, whether or not to permit 15 firearms?</p> <p>16 A. <b>I've made the decision before, but yeah, I mean 17 -- yeah.</b></p> <p>18 Q. And I'm assuming since it's your policy and 19 decision, you can make exceptions to that rule, 20 correct?</p> <p>21 A. <b>Yeah.</b></p> <p>22 Q. And do you believe that any of your security 23 officers -- well, strike that.</p> <p>24 Even though there might not have been 25 something in writing, you permitted them to have</p>	<p>1 at your facilities, correct?</p> <p>2 MR. ROCHE: Objection.</p> <p>3 A. <b>I could choose not to hire them.</b></p> <p>4 Q. Right. So you had the power to hire and fire 5 those people, correct?</p> <p>6 MR. ROCHE: Objection.</p> <p>7 A. <b>Jerry. Not the other individuals, but yes.</b></p> <p>8 Q. You mean you were bound by a decision that Jerry 9 made at your facility as to whether or not you 10 would allow them on your premises and pay them?</p> <p>11 A. <b>I trust that he would -- I wouldn't directly say 12 to an officer that was scheduled by Jerry, you 13 cannot do this. I would say that to Jerry.</b></p> <p>14 Q. Right. And then you would rely upon Jerry to 15 express your conditions of employment to the 16 individual persons, correct?</p> <p>17 A. <b>Correct.</b></p> <p>18 Q. And it's my understanding that you dictated when 19 security officers would be present at the 20 particular facility, correct?</p> <p>21 A. <b>For the most part.</b></p> <p>22 Q. Are you -- strike that.</p> <p>23 How would these security officers arrive at 24 the facilities they were working? Would they 25 take their own cars?</p>

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1 Q. Did -- do you know with respect to the week of 2 service surrounding the night of the incident, 3 did you pay Jerry Zarlenga for the officer's work 4 that night?	1 WITNESS SIGNATURE 2 3 I have read the forgoing transcript. Any corrections 4 that I feel necessary will be made on a separate sheet 5 and attached to the transcript.
5 A. So the following --	6 7
6 Q. Whatever your practice was.	8 <u>JONATHAN SEEHOLZER</u>
7 A. My practice was every Monday.	9 Subscribed and sworn to me this ____ day of _____, 10 2019.
8 Q. Do you have any recollection of not following 9 that practice?	11 12
10 A. No. I would have followed that practice.	13 My commission expires: 14
11 Q. Okay. So to the extent you had anybody working 12 security, that person in this case, Dean 13 Graziolli, was paid by Corner Alley to perform 14 that service?	15 16 17 18 19 20 21 22 23 24 25
15 A. He was paid by Jerry, as far as I know.	
16 MR. PIKE: Okay. Thank you.	
17 MR. ROCHE: He'll read it. Thanks.	
18 -----	
19 (Deposition concluded at 1:47 p.m.)	
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1 CERTIFICATE 2 State of Ohio, ) 3 ) 4 County of Lake. ) 5 6 I, Stacey Mocz, RPR and Notary Public within and 7 for the State of Ohio, do hereby certify that JONATHAN 8 SEEHOLZER was by me first duly sworn to testify to the 9 truth, the whole truth, and nothing but the truth, and 10 that the above deposition was recorded stenographically 11 by me and reduced to typewriting by me. 12 I FURTHER CERTIFY that the foregoing transcript 13 of the said deposition is a true and correct transcript 14 of the testimony given by the said witness at the time 15 and place specified hereinbefore.	1 ERRATA SHEET 2 Caption: Yutsko vs. Graziolli, et al 3 Deposition of: Jonathan Seeholzer 4 Date Taken: April 30, 2019 5 6 PAGE NO. LINE NO. CORRECTION 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
16 IN WITNESS WHEREOF, I have hereunto set my hand 17 seal of office at Cleveland, Ohio on this 8th day of 18 May, 2019. 19 20  21 22 23 24 25	
19 Stacey Mocz, RPR 20 Notary Public in and for the State of Ohio, 21 My Commission Expires May 25, 2020	